(b) Presently, there are 35 Ministries. In this connection, it may be noted that Ministries/Departments of the Government of India are created under the Government of India (Allocated of Business) Rules, 1961 for the convenient transaction of business of the Government. Depending on the changes in the nature of the Government's business, policies, procedures and priorities, the Ministries/Departments are restructured/abolished/created from time to time. This is an ongoing process and takes into account the changing needs of the Government.

(c) The Ministry of Finance has been monitoring economy exercises on 10% cut in posts initiated in early 1992 based on a decision announced by the then Prime Minister in the National Development Council in December, 1991. According to the information available, so far, about 1.42 lakh posts have been abolished in various Ministries/Departments. The posts so abolished also pertain to phasing out of certain activities due to de-regulation/liberalisation especially in the Department of Industrial Development, Department of Commerce, Department of Supply, etc. The exercise is still continuing.

Special cell to accord sanction for prosecution

257. SHRI AMAR SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether Government have since set up a special cell to accord sanction in corruption cases referred to it by C.B.I. and if so, the details thereof and the time stipulated for according sanction in those cases;

(b) what is the number of cases wherein sanctions for prosecution have been accorded since the inception of the special cell; and

(c) what are the details of cases which are still pending with the cell and the reasons in each case for not granting sanction?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) No, Sir. The Government has not set up any special cell to accord sanction in corruption cases. However, in accordance with the latest policy guidelines in respect of cases relating to sanction for prosecution under the Criminal Procedure Code, 1973 and the Prevention of Corruption Act, 1988, a time limit of 3 (three) months has been prescribed for taking a view by the Ministries/Departments etc.

(b) and (c) Do not arise, in view of (a) above.

Accord of sanction for prosecution

258. SHRI SHIV CHARAN SINGH: SHRI PARAG CHALIHA:

(a) whether it is a fact that Government are very quick in according sanctions for prosecution of Group B, C and D civilian officers while they sit over the requests of prosecuting agencies to proceed against IAS officers; and

(b) if not, what are the details of IAS and non-IAS officers against whom such sanctions had been sought during 1996-97 till date by different agencies after preliminary/specific probes?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) and (b) It is incorrect to say that sanctions for prosecution of Group B, C and D civilian officers are issued quickly and that similar cases against IAS officers are delayed. In terms of para 3.1 of Chapter I of Vigilance Manual, Vol. I, the primiary responsibility for the maintenance of purity, integrity and efficiency in the organisations vests in the Secretary of the administrative Ministry or the head of the Department.

Therefore, each Ministry/Department is competent to accord sanction for prosecution under the Prevention of Corruption Act, 1988 and under section 197 of the Cr.P.C.

In view of the above, the relevant information in respect of Group B, C and D civilian officers and non-IAS officers, is not centrally maintained/monitored in the Department of Personnel and Training as there are different Ministries/Departments/Bodies/State Governments which are concerned in the matter.

As regards according sanction for prosecution of IAS officers u/s 197 (1) of the Cr. P.C., the Central Government/State Government are both competent to grant such sanction if the IAS officer at the time of committing the alleged criminal misconduct was functioning in connection with the affairs of the Central Government, the Government of India is competent to accord sanction in the matter. If the IAS officer at the time of committing the alleged criminal misconduct if functioning in connection with the affairs of the State Government, the respective State Government is competent to grant such sanctions. Regarding grant of sanction for prosecution against IAS officers and CSS officers of Grade I and above under the Prevention of Corruption Act, 1988, the Department of Personnel and Training is the competent authority to take a view in the matter.

However, it is not correct to say that the Government is following different time schedules for grant of sanction for prosecution for different category of officers. Although as per law, there is no time limit prescribed for decision on request for sanction for prosecution, the Government has always stressed that the competent authority should decide on this matter expeditiously. Time frame for this purpose depends upon the nature of the case and no fixed time frame can be laid down for this purpose. However, all Ministries/Departments of the Government of India have been recently requested by this Department to dispose of cases pending grant of sanction for prosecution within a time frame of three months. Still, there may not be a comparison between individual cases since each case is unique. The act of granting sanction for prosecution is not an idle formality but a sacrosanct duty enjoined upon the competent authority and careful analysis is required before a decision is taken in the matter. Unless charge-sheet has been filed against the accused officer in the Court of Law, after obtaining sanction for prosecution from the compentet authority, if required, investigation is not complete. As such, it will not be proper to disclose the details as it may hamper further investigations. However, this Ministry received proposals for sanction against 16 (sixteen) IAS officers from the CBI during 1996-97 and till date and has accorded sanctions against 5(five) IAS officers, in case of 3 (three) IAS officers, sanction was refused as no prima-facie case was made out against them and cases against 8 (eight) IAS officers are at different stages of process.

During the relevant period, sanctions were, also granted against 7 (seven) IAS officers on receipt of such proposals from the State Governments, whereas in two cases the same was rejected as no prima-facie cases were made out against them. 4 (four) cases are under process. During the relevant period, sanction against 1(one) CSSS officer of Grade I only was sought and accorded.

Allowing people to see secret files

259. SHRI BANGARHU LAXMAN: Will the PRIME MINISTER be pleased to state:

(a) whether there is a demand to allow people/their elected representatives to see the secret files of Government, other than those relating to the defence matters, as a measure to curb crime and corruption in the country;

(b) whether in some countries general public/their representatives have a right to see secret files; and